IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 4th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition No. 6819 of 1993

Madrasa-E-Moinia Wakf,
Irvin Road,
Mysore,
by its Secretary ..Petitioner

(By Sri R.S. Ravi, Advocate)

-Vs-

The Mysore Urban Development
Authority,
by its Commissioner,
Mysore ..Respondents

(By Sri P.S. Manjunath and
H.C. Shivaramu, Advocates)

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Writ Petition is filed praying to quash the order dated 27-2-1993 issued by the respondent, vide Annexure-F.

This writ petition coming on for preliminary hearing in 'B' Group this day, the Court made the following:-

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O R D E R

Petitioner claims that it is the owner of premises Nos.1384 and 1387 of Irvin Road, Mysore. It obtained a licence and sanctioned plan from the Mysore City Corporation as per Annexures A and B dated 9-3-1989 for demolition of the existing old building therein and construction of a new building with cellar, ground and first floors. Petitioner claims to have constructed a building in accordance with the said plan.

2. When matter stood thus, the respondent which is a Planning Authority under the Karnataka Urban Development Authorities Act, issued the impugned notice dated 27-2-1993 [Annexure-F] alleging that petitioner was not using the cellar floor for purposes of parking and, therefore, calling upon the petitioner to remove the unauthorised construction. Feeling aggrieved, petitioner has filed this petition and sought quashing of Annexure-F.

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3. The petitioner contends that the construction is not unauthorised as it has taken a licence for constructing the cellar. It has also contended that as the road in front of the building is very narrow, it has not been able to take a turn and enter the cellar. Be that as it may.

4. It is open to the petitioner to file objections to the notice for the nonuse of the cellar for the purpose of parking. If and when such objections are filed, the respondent will consider the same and dispose of the subject matter of the notice in accordance with law.

5. Hence, reserving liberty to the petitioner to file objections to the notice within one month from this date, this petition is disposed of. Till such objections are considered and disposed of, the respondent shall not take any action for demolition.

Sd/-
JUDGE

Bnr/-